

1-1 By: West S.B. No. 126
1-2 (In the Senate - Filed November 10, 2014; January 27, 2015,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 May 4, 2015, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 2; May 4, 2015, sent
1-6 to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12		X		
1-13	X			
1-14			X	
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 126 By: Whitmire

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the release of certain inmates on medically recommended
1-20 intensive supervision.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Sections 508.115(a) and (d), Government Code,
1-23 are amended to read as follows:

1-24 (a) Not later than the 11th day before the date a parole
1-25 panel orders the release of an inmate on parole or medically
1-26 recommended intensive supervision ~~[of an inmate]~~ or not later than
1-27 the 11th day after the date the board recommends that the governor
1-28 grant executive clemency, the division shall notify the sheriffs,
1-29 each chief of police, the prosecuting attorneys, and the district
1-30 judges in the county in which the inmate was convicted and the
1-31 county to which the inmate is released that a parole panel is
1-32 considering release on parole or medically recommended intensive
1-33 supervision or the governor is considering clemency.

1-34 (d) The notice must include ~~[state]~~:

1-35 (1) the inmate's name;

1-36 (2) the county in which the inmate was convicted;

1-37 ~~[and]~~

1-38 (3) the offense for which the inmate was convicted;

1-39 and

1-40 (4) to the extent permitted by federal law,
1-41 information relating to the inmate's physical or mental health
1-42 condition if the inmate is being considered for release on
1-43 medically recommended intensive supervision under Section 508.146.

1-44 SECTION 2. Section 508.146, Government Code, is amended by
1-45 amending Subsections (a) and (e) and adding Subsection (g) to read
1-46 as follows:

1-47 (a) An inmate other than an inmate who is serving a sentence
1-48 of death or life without parole may be released on medically
1-49 recommended intensive supervision on a date designated by a parole
1-50 panel described by Subsection (e), except that an inmate with an
1-51 instant offense that is an offense described in Section 3g, Article
1-52 42.12, Code of Criminal Procedure, or an inmate who has a reportable
1-53 conviction or adjudication under Chapter 62, Code of Criminal
1-54 Procedure, may only be considered if a medical condition of
1-55 terminal illness or long-term care has been diagnosed by a
1-56 physician, if:

1-57 (1) the Texas Correctional Office on Offenders with
1-58 Medical or Mental Impairments, in cooperation with the Correctional
1-59 Managed Health Care Committee, identifies the inmate as ~~[being]~~:

1-60 (A) ~~[elderly, physically disabled, mentally ill,~~

2-1 ~~terminally ill, or mentally retarded or having a condition]~~
2-2 requiring permanent long-term care, having a terminal illness, or
2-3 being a person with a severe and persistent mental illness or
2-4 intellectual and developmental disability, if the inmate is an
2-5 inmate with an instant offense that is described in Section 3g,
2-6 Article 42.12, Code of Criminal Procedure; or

2-7 (B) being in a persistent vegetative state or
2-8 being a person with an organic brain syndrome with significant to
2-9 total mobility impairment, if the inmate is an inmate who has a
2-10 reportable conviction or adjudication under Chapter 62, Code of
2-11 Criminal Procedure;

2-12 (2) the parole panel determines that, based on the
2-13 inmate's condition and a medical evaluation, the inmate does not
2-14 constitute a threat to public safety; and

2-15 (3) the Texas Correctional Office on Offenders with
2-16 Medical or Mental Impairments, in cooperation with the pardons and
2-17 paroles division, has prepared for the inmate a medically
2-18 recommended intensive supervision plan that requires the inmate to
2-19 submit to electronic monitoring, places the inmate on
2-20 super-intensive supervision, or otherwise ensures appropriate
2-21 supervision of the inmate.

2-22 (e) Only a parole panel [~~panels~~] composed of three [~~the~~
2-23 ~~presiding officer of the board and two~~] members appointed to the
2-24 panel by the presiding officer may make determinations regarding
2-25 the release of inmates on medically recommended intensive
2-26 supervision under Subsection (a) or of inmates released pending
2-27 deportation. If the Texas Correctional Office [~~Council~~] on
2-28 Offenders with Medical or Mental Impairments identifies an inmate
2-29 as a candidate for release under the guidelines established by
2-30 Subsection (a)(1), the office [~~council~~] shall present to a parole
2-31 panel described by this subsection relevant information concerning
2-32 the inmate and the inmate's potential for release under this
2-33 section.

2-34 (g) For purposes of Subsection (a), "terminal illness"
2-35 means an incurable illness or condition that is expected to result
2-36 in death within one year regardless of life-sustaining treatment.

2-37 SECTION 3. (a) The Texas Department of Criminal Justice,
2-38 the Department of Aging and Disability Services, and the Health and
2-39 Human Services Commission jointly shall conduct a study regarding
2-40 the feasibility of contracting with a private entity to house
2-41 inmates released on medically recommended intensive supervision
2-42 under Section 508.146, Government Code, as amended by this Act, who
2-43 require skilled nursing services or 24-hour care.

2-44 (b) Not later than December 1, 2016, the Texas Department of
2-45 Criminal Justice shall report the results of the study conducted
2-46 under this section to the governor, the lieutenant governor, the
2-47 speaker of the house of representatives, and the standing
2-48 committees of the house of representatives and the senate with
2-49 primary jurisdiction over criminal justice matters.

2-50 (c) This section expires January 1, 2017.

2-51 SECTION 4. This Act takes effect September 1, 2015.

2-52 * * * * *